

28 January 1988
OCA 88-0259

MEMORANDUM FOR: Director, Office of Security
C/ALD/OGC
C/ICAD/OGC

FROM: [redacted] Legislation Division
Office of Congressional Affairs

SUBJECT: Polygraph Legislation - Markup Postponed

1. On 27 January 1988, about one hour before the Senate Labor and Human Relations Committee was scheduled to "markup" S. 1906, the "Employee Polygraph Protection Act of 1986", the Committee cancelled the markup, tentatively rescheduling it for February 3rd at 10:00 a.m.

2. We understand the postponement was due to the threat by Senator Quayle to offer at the markup an amendment to strike Section 7 from the bill. That is the section which contains the exemptions to the bill's coverage, including those for the Government, the Agency and other entities in the Intelligence Community. We understand Senator Quayle did so in the hope that the amendment would be adopted, thereby making the bill unpalatable to the Administration and other Senators, forcing a referral to an unfavorable committee (like Senate Armed Services) and/or otherwise dooming the bill's chances on the Senate floor. His office concedes the amendment has little chance of adoption.

3. We understand the bill's proponents on the Committee would like the various exempted entities to persuade Quayle to withdraw his amendment. This, however, does not appear to be in the Agency's interest. If the amendment is defeated and the bill proceeds, the Agency's exemption is retained. If the amendment is adopted and the bill is doomed as a result, the Agency would not object. Finally, if the amendment is adopted yet the bill is ultimately passed by the Senate, the issue will be one for conference as the Agency's exemptions are already contained in the House-passed bill. Accordingly, we plan to take no action at this time.

4. We will keep you advised of further developments.

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